

LEG. FINANCE - BILLS 1977 - 1978 / 42

HB 564 cont., thru CSHB 573

1 * Sec. 5. This Act takes effect July 1, 1978.

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Introduced: 1/9/78
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY DUNCAN AND MILLER

2 HOUSE BILL NO. 564

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act extending the benefits of the public employees'
7 retirement system to certain temporary employees of the
8 state and its political subdivisions; and providing for
9 an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 39.35.680(1) is amended to read:

12 (1) "active member" means an employee who is employed by an
13 employer, is receiving compensation for seasonal services, permanent
14 full-time services, [OR] permanent part-time services, or temporary
15 services of not less than 1,000 hours during any consecutive 12-month
16 period, and is making contributions to the system;

17 * Sec. 2. AS 39.35.680(21)(C)(iii) is amended to read:

18 (iii) casual or [,] emergency workers or temporary
19 workers who have completed less than 1,000 hours of service in
20 any consecutive 12-month period;

21 * Sec. 3. AS 39.35.680 is amended by adding a new paragraph to read:

22 (39) "temporary" means an employee who occupies an established
23 position and who is reasonably expected to remain in that position for
24 less than 1,000 hours during any consecutive 12-month period.

25 * Sec. 4. This Act takes effect July 1, 1978.

ALASKA STATE LEGISLATURE

TENTH... Legislature SECOND Session

HOUSE BILL NO. 564
By DUNCAN AND MILLER

"An Act extending the benefits of the public employees' retirement system to certain temporary employees of the state and its political subdivisions; and providing for an effective date."

retirement benefits temporaries

Introduced in the House 1-9, 1978

HISTORY IN THE HOUSE

19 78

Jan. 9

Read first time and referred to Committee on State Affairs and Finance
Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

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Yeas Yeas
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Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:

Failed to concur in Senate amendment; asked Sen. to recede

Senate receded from amendment

Senate failed to recede from amendment

FCC appointed by House

FCC appointed by Senate

FCC adopted

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

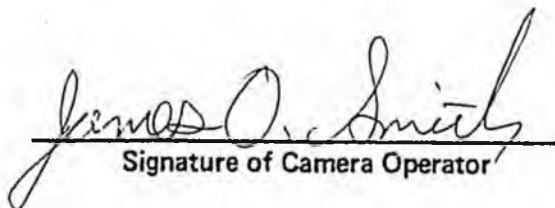
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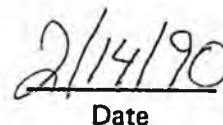


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 568
 Title Establishing an Alaska State Office in Copenhagen, Denmark
 Requested by House State Affairs Date March 10, 1978

HB 568

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Development
 Budget Request Unit(s) Affected Int'l Fisheries & External Affairs

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			32.0	69.9	104.1	110.4
200 TRAVEL			27.6	29.3	31.1	33.0
300 CONTRACTUAL			31.0	60.4	64.0	67.8
400 COMMODITIES			1.0	2.1	2.2	2.2
500 EQUIPMENT			7.0	1.0	1.0	1.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			99.6	162.7	174.4	214.5

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND			99.6	162.7	174.4	214.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

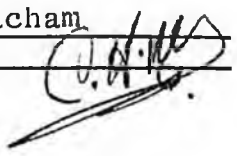
	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME				2	3	3
PART TIME			2			
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumptions: The European Office will open January 1, 1979, with a staff of two: a Director and a bilingual Administrative Assistant. Activities during the first half of FY 79 will be limited to travel, both by the staff of External Affairs and the Dept. of Commerce & Economic Development, and advance publicity efforts to establish a favorable climate for this venture and arrange the details of the operation. In FY 81 a fisheries biologist will be added to the staff. Estimates for office space, travel, and utility costs have been verified by a member of the Danish business community. Except for equipment, costs have been inflated 6% each succeeding year.

Personal Services:
 Director, 6 mo. + benefits \$21.0
 Adm. Assistant, 6 mo. + benefits 12.0
32.0

IV. DATE March 15, 1978 PREPARED BY Janet Green/ C. H. Meacham
 AGENCY Office of the Governor
 Original: Legislative Finance PHONE 465-3545
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



Travel:

Per diem, car mileage allowance, air
fare \$27.6

Contractual:

Rent 600 s.f.x\$1.25 x 6 mo. 4.5
Utilities, telephone, insurance 6.5
Advertising 10.0
Consultant services 10.0
\$31.0

Commodities:

Office supplies 1.0

Equipment:

Office furnishings 7.0

CORRECTION

HOUSE BILL No. 568

Please discard all copies. The committee referrals should read " State Affairs and Finance" NOT "Resources and Finance."

Introduced: 1/9/78
Referred: State Affairs &
Finance

1 IN THE HOUSE

BY OSTERBACK AND SNIDER

2 HOUSE BILL NO. 568

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the establishment of an Alaska
7 State Office in Copenhagen, Denmark."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 44.19.640 is amended to read:

10 Sec. 44.19.640. ALASKA STATE OFFICE CREATED. There is created
11 within the Office of the Governor an Alaska State Office with external
12 affairs offices to be opened and maintained in Tokyo, Japan and
13 Copenhagen, Denmark, as an outlet for economic development, resource,
14 and trade information, and as a contact point for government and private
15 industry of Alaska, [AND] the Far East, Scandinavia and Western Europe
16 in promoting and carrying on trade between the state and other centers
17 of foreign trade [THE FAR EAST].

COMMITTEE REPORT

5/22/78

HOUSE

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 568

"An Act providing for the establishment of an Alaska State Office in Copenhagen, Denmark."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____

and _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

1/10/78

Date: April 19, 1978

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 568
"An Act providing for the establishment of an Alaska State Office in
Copenhagen, Denmark."

under consideration and (~~a majority of the committee~~) (the committee
~~reports it back as follows~~)

- () recommends it do pass () recommends it do not pass
() recommends it do pass with attached amendment(s)
() recommends it be replaced with CS for _____

and _____ () new title () same title

- () AND attaches a Letter of Intent () New Fiscal Note
(X) reports it back ~~without recommendation~~ with individual recommendations
() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

[Handwritten signatures]

OTHER RECOMMENDATIONS:

Tom Kelly No Rec

Kris W. Latham - No Not Pass
Don Swartz Do Not Pass

[Handwritten signature] - No Rec.
A. S. Bradley - No Rec.

[Handwritten signature]
Chairman

4402

Baldwin

Introduced: 1/9/78
Preferred: State Affairs &
Finance

1 IN THE HOUSE

BY OSTERBACK AND SNIDER

2 HOUSE BILL NO. 568

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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14 and trade information, and as a contact point for government and private
15 industry of Alaska, [AND] the Far East, Scandinavia and Western Europe
16 in promoting and carrying on trade between the state and other centers
17 of foreign trade [THE FAR EAST].
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ALASKA STATE LEGISLATURE

TENTH... Legislature SECOND Session

HOUSE BILL..... NO. 568.....

By OSTERBACK AND SNIDER.....

"An Act providing for the establishment of an Alaska State Office in Copenhagen, Denmark."

Ak. office in Copenhagen, Denmark

Introduced in the House 1-9-1978

HISTORY IN THE HOUSE

19 78

Jan. 9 State Affairs and Finance

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
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Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

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PASS Effective Date
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SECRETARY OF THE SENATE

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Senate receded from amendment

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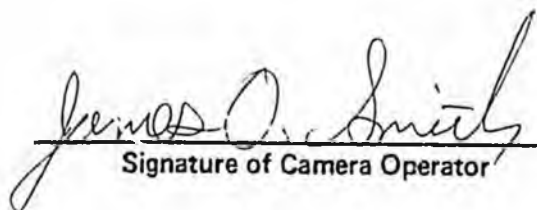
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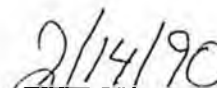


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Signature of Camera Operator


Date

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. C5HB 569
 Title An Act making a special appropriation to ADF&G to transplant caribou
 Requested by House Finance Date 1-27-78

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Game

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		4.0				
200 TRAVEL						
300 CONTRACTUAL		112.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		116.0				

FUNDING (Thousands of Dollars)

GENERAL FUND		116.0				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY		3				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Cost primarily consists of aircraft charter, which varies depending on location. Estimates for air charter and other minor contractual expenses are as follows:

Deer Island	\$1000/head	=	35,000	for 35 head
Akutan Island	\$1500/head	=	52,500	for 35 head
Unga Island	\$ 700/head	=	24,500	for 35 head

A minimum transplant of 35 animals is proposed. Up to 40 may be transplanted depending on actual costs experienced.

IV. DATE February 10, 1978 PREPARED BY Jeff Morrison, Director, Div. of Admin.
 AGENCY Fish and Game
 PHONE 465-4120

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Osterbeck

33-001 (Rev 12/77) Game Division
Laurie Wojcik - Fish Commissioner's Ofc

C-118
529

Original sponsors: Osterback, Hayes
and Snider

Offered: 1/27/78
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

CS FOR HOUSE BILL NO. 569

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Fish and Game to transplant caribou to the Aleutian Islands and Shumagin Islands; and providing for an effective date."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$116,000 is appropriated from the general fund to
12 the Department of Fish and Game for the purpose of transplanting caribou to
13 the following islands: Unga Island, Deer Island, and Akutan Island.

14 * Sec. 2. The unexpended and unobligated portion of this appropriation
15 lapses into the general fund June 30, 1979.

16 * Sec. 3. This Act takes effect July 1, 1978.

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Introduced: 1/9/78
Referred: Resources and
Finance

BY OSTERBACK, HAYES AND
SNIDER

1 IN THE HOUSE

2 HOUSE BILL NO. 569

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game to transplant caribou to the
8 Aleutian Islands and Shumagin Islands; and providing
9 for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$352,000 is appropriated from the general fund
12 to the Department of Fish and Game for the purpose of transplanting caribou
13 to the following islands: Unga Island, Korovin Island, Big Koniuji Island,
14 and Little Koniuji Island in the Shumagin Islands and to Ukolnoi Island,
15 Deer Island, Akutan Island, and Tigalda Island in the Aleutian Islands.

16 * Sec. 2. The unexpended and unobligated portion of this appropriation
17 lapses into the general fund June 30, 1979.

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COMMITTEE REPORT

HOUSE

1-27-78

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 569

"An Act making a spec. approp. to the Dept. of Fish & Game to transplant caribou to the Aleutian Islands & Shumagin Islands; eff. date."
under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____
and _____ new title same title
- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

1-9-78

Date: 1/26/78

Mr. Speaker:

The Committee on RESOURCES has had HB 569
"An Act making a spec. approp. to the Dept. of Fish & Game to transplant caribou
to the Aleutian Islands and Shumagin Islands; e.d."

under consideration and (a majority of the committee) (the committee
reports it back as follows)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

(X) recommends it be replaced with CS for HB 569

and CS HB 569 () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING, DO PASS:

OTHER RECOMMENDATIONS:

[Signature]

Merle J. Snyder DO PASS

[Signature]

[Signature]

Mr. Hill

Wm. A. Peters DO PASS

Alvin Osterback

Alvin Osterback
Chairman

Original sponsors: Osterback, Hayes
and Snider

Offered: 1/27/78
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 569

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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4410
Uttermole

Introduced: 1/9/78
Referred: Resources and
Finance

BY OSTERBACK, HAYES AND
SNIDER

1 IN THE HOUSE

2 HOUSE BILL NO. 569

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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COMMITTEE COPY

(-1-)

HB 569

ALASKA STATE LEGISLATURE

TENTH Legislature SECOND Session

HOUSE BILL..... NO. 569...
By OSTERBACK, HAYES AND SNIDER

"An Act making a special appropriation to the Department of Fish and Game to transplant caribou to the Aleutian Islands and Shamagin Islands; and providing for an effective date."

Spec. approp. transp. caribou

Introduced in the House 1-9, 1978

HISTORY IN THE HOUSE

1978	Read first time and referred to Committee on												
Jan. 9	Resource and Finance												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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CHIEF CLERK OF THE HOUSE													

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SECRETARY OF THE SENATE													

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 by Governor
	Filed with Lt. Governor
	Chapter No.



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James O. Smith
Signature of Camera Operator

2/14/90
Date

Article in
"Pool News"
national trade
publications

Holiday Installs Fiberglass Pool In Eskimo Village

UNALAKLEET, Alaska — Swimming in the land of ice and snow? Why not? At least one Eskimo village, 100 miles southeast of Nome, Alaska, on the Bering Sea, is taking up the sport.

The pool, of course, is indoors, but it is believed to be the installation farthest north on the North American continent.

The one-piece fiberglass pool was sold through Elling-Halverson Contractors, Seattle, Wash., for a new high school project in the village.

The unit was chosen, according to the manufacturer, Holiday Pools, Corp. of Spokane, Wash., because of possible permafrost heaving, and low cost of installation.

The 12' by 30' pool was shipped to Unalakleet, population 600, by barge from Seattle, Wash. Company President Richard Moltke personally went up with the pool to install and plumb it, which took two days.

Holiday Pools manufactures double wall insulated one-piece fiberglass pools in sizes up to 40' long, and also carries several sizes of Aqua Sauna Hot Water Massage Pools distributed and sold throughout the United States and Canada. The company has six dealers in the Pacific Northwest and western Canada — and, possibly, a new market.

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HFC

HB 571

Master File

DCF



Respected Name in Swimming Pools Since 1957



7 April 1978

Mr. Alvin Osterback
State Capitol Building
Pouch V
Juneau, AK 99811

Dear Mr. Osterback:

Enjoyed our conversation yesterday regarding your interest in our swimming pools in Alaska.

Two years ago we installed a 12'x30' double wall insulated one-piece fiberglass pool at Unakaleet. This was through a major general contractor in Seattle. However, I did go up and personally supervise and personally plumbed the pool to the equipment room. Their plumber from Seattle had not arrived and we were in a hurry to backfill around the pool so they could proceed with the building over it.

Our one-piece fiberglass pool is extremely strong and yet has the ability to accept twisting or ground movement without breaking.

The price my son quoted was for the fiberglass shell F.O.B. Spokane, and it was a considerable reduction from list price. I told him to pass on dealers' price to the State of Alaska.

If you have asked for \$100,000 per pool, for building facilities and pool and equipment, it should cover it. It all depends on the kind of building, size, etc. over the pool.

Each pool installed with necessary chlorination, safety equipment, and heater, could cost \$18,000 - \$20,000 more or less. This depends on each pool site, method we would have to go to excavate and set pool. Also removing pool from barge to each site. Since this was accomplished once already, it can be done. This broad estimate would not include electrical or oil service to pool equipment and heater.

MANUFACTURERS
DISTRIBUTORS
CONSULTANTS



BIDG. 18 • SPOKANE INDUSTRIAL PARK
P.O. BOX 14706 • SPOKANE, WASHINGTON 99214
(509) 926-1522

3828-4900

PAGE 2

If you get your funds OK'd and decide to choose our pools, how much time would we have to either install ourselves, or have a contractor in Alaska or Seattle do it for us?

Tnanks again for your interest, and I'm looking forward to doing some fishing in Alaska one of these days.

Sincerely



HOLIDAY POOLS, CORP.
Richard I. Moltke
President

RM:kmh

P.S. You will note in our brochures that our pools do come in larger sizes.

MR. MOLTKE SUGGESTED PER TELEPHONE CONUERSATION THAT A DE-HUMIDIFIER SHOULD ALSO BE CONSIDERED AS AN ESSENTIAL ITEM. THE COST WOULD BE APPX. \$2-3000.

4/10/78

Rep. Osterback talked with Holiday Pools, Corp. in Spokane re: cost of swimming pool installation in villages. He was informed that a 16' x 32' x 3-9' depth pool of 1 piece fiberglass would cost \$5,391.00. This pool has an oil-fired heat system which would cost an additional \$1,100.00. The cost of the pool includes a filter, but to upgrade it to state-specifications would cost an additional \$100.

Labor could be done by local contractors.

Introduced: 1/9/78
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY OSTERBACK

2 HOUSE BILL NO. 571

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Education to construct swimming pools; and
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$600,000 is appropriated from the general fund to
11 the Department of Education to be used for construction of swimming pools in
12 the public schools at Sand Point, King Cove, Unalaska, St. Paul, Old Harbor,
13 and Port Lions. Each pool shall be made of plywood, fiberglass, or aluminum,
14 be approximately 30 feet long and 14 feet wide, and cost no more than
15 \$100,000 to construct.

16 * Sec. 2. This Act takes effect July 1, 1978.

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-571
 Title Special appropriation to construct swimming pools
 Requested by Osterback Date 1/9/78

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Education
 Budget Request Unit(s) Affected Financial Support Programs

HB 5-71

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			600.0			
TOTAL			600.0			

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND			600.0			
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME			-0-			
PART TIME			-0-			
TEMPORARY			-0-			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 3/30/78 PREPARED BY Nathaniel Cole, Deputy Commissioner
 AGENCY Department of Education
 PHONE 465-2800
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Nat Cole SH

COMMITTEE REPORT

HOUSE

4/7/78

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on Finance has had HB 571

"An Act making a special approp. to the Dept. of Education to construct swimming pools; e.d."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____

- and _____ new title same title
 AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

Date: 4-6-78

Mr. Speaker:

The Committee on HESS has had HB 571
"An Act making a special approp. to the Dept. of Education to construct swimming pools; e.d."

under consideration and (a majority of the committee) (~~the committee reports it back as follows~~)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with CS for _____

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

① { Sam [unclear] Do Pass ② R. D. [unclear] No Rec.
Mike [unclear]
[unclear] DO PASS
Charles [unclear] Do Pass
[unclear] Do Pass

[Signature]

Chairman

4424
wefleszi

Introduced: 1/9/78
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY OSTERBACK

2 HOUSE BILL NO. 571

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Education to construct swimming pools; and
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$600,000 is appropriated from the general fund to
11 the Department of Education to be used for construction of swimming pools in
12 the public schools at Sand Point, King Cove, Unalaska, St. Paul, Old Harbor,
13 and Port Lions. Each pool shall be made of plywood, fiberglass, or aluminum,
14 be approximately 30 feet long and 14 feet wide, and cost no more than
15 \$100,000 to construct.

16 * Sec. 2. This Act takes effect July 1, 1978.

ALASKA STATE LEGISLATURE

TENTH... Legislature SECOND Session

HOUSE BILL..... NO. 571..

By ..OSTERBACK.....

"An Act making a special appropriation to the Department of Education to construct swimming pools; and providing for an effective date."

swimming pools; spec. approp.

Introduced in the House 1-9-1973

HISTORY IN THE HOUSE

19 78	Read first time and referred to Committee on
Jan. 9	HESS and Finance
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

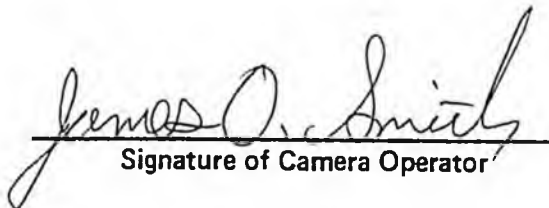
19	Received from Senate
	Concurred in Senate amendment thus adopting:
	Failed to concur in Senate amendment; asked Sen. to recede
	Senate receded from amendment
	Senate failed to recede from amendment
	FCC appointed by House
	FCC appointed by Senate
	FCC adopted
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

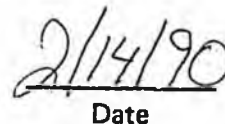


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Signature of Camera Operator


Date

Original sponsors: Osterback and Snider

Offered: 4/7/78
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for meetings with advisory com-
8 mittees in rural communities; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$100,000 is appropriated from the general fund to
12 the Department of Fish and Game for the purpose of providing funds for travel
13 and per diem to the commissioner of the Department of Fish and Game, Board of
14 Fisheries, and Board of Game for meetings with local advisory committees in
15 rural communities of the state.

16 * Sec. 2. The unexpended and unobligated portion of this appropriation
17 lapses into the general fund on June 30, 1979.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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Introduced: 1/9/78
Referred: Resources and
Finance

1 IN THE HOUSE

BY OSTERBACK AND SNIDER

2 HOUSE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for travel and per diem for the
8 Board of Fisheries to meet with advisory committees;
9 and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$200,000 is appropriated from the general fund to
12 the Department of Fish and Game for the purpose of providing funds for travel
13 and per diem to the Board of Fisheries for joint meetings with local advisory
14 committees at Kodiak, Sand Point, Unalaska, Naknek, and other rural commu-
15 nities in the state.

16 * Sec. 2. The unexpended and unobligated portion of this appropriation
17 lapses into the general fund on June 30, 1979.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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COMMITTEE REPORT

HOUSE

4/7/78

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on Finance has had HB 572
"An Act making a special approp. to the Dept. of Fish and Game for travel and
per diem for the Board of Fisheries to meet with the advisory committees, e.d."
under consideration and (a majority of the committee) (the committee
reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____
and _____ new title same title
 AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

HOUSE

FURTHER: Finance

Date: April 5, 1978

Mr. Speaker:

The Committee on Resources has had HB 572

"An Act making a special appropriation to the Department of Fish and Game for travel and per diem for the Board of Fisheries to meet with the advisory committees; eff. date."

under consideration and (a majority of the committee) (the committee reports it back as follows)

recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

recommends it be replaced with CS for HB 572

and CS HB 572 do pass new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Meyle H. Smith DO PASS

Bob Chi " "

Wm. Aker " "

Mr. Miller " "

Alvin Peterback DO PASS

Richard " "

J. Malone " "

Alvin Peterback
Chairman

4441
Baldwin

Original sponsors: Osterback and Snider

Offered: 4/7/78
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for meetings with advisory com-
8 mittees in rural communities; and providing for an
9 effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$100,000 is appropriated from the general fund to
12 the Department of Fish and Game for the purpose of providing funds for travel
13 and per diem to the commissioner of the Department of Fish and Game, Board of
14 Fisheries, and Board of Game for meetings with local advisory committees in
15 rural communities of the state.

16 * Sec. 2. The unexpended and unobligated portion of this appropriation
17 lapses into the general fund on June 30, 1979.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

4441
Baldwin

Introduced: 1/9/78
Referred: Resources and
Finance

1 IN THE HOUSE

BY OSTERBACK AND SNIDER

2 HOUSE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for travel and per diem for the
8 Board of Fisheries to meet with advisory committees;
9 and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$200,000 is appropriated from the general fund to
12 the Department of Fish and Game for the purpose of providing funds for travel
13 and per diem to the Board of Fisheries for joint meetings with local advisory
14 committees at Kodiak, Sand Point, Unalaska, Naknek, and other rural commun-
15 ities in the state.

16 * Sec. 2. The unexpended and unobligated portion of this appropriation
17 lapses into the general fund on June 30, 1979.

18 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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ALASKA STATE LEGISLATURE

TENTH... Legislature SECOND Session

HOUSE ... BILL NO. 572...

By OSTERBACK AND SNIDER.....

"An Act making a special appropriation to the Department of Fish and Game for travel and per diem for the Board of Fisheries to meet with the advisory committees; and providing for an effective date."

Spec. approp. Dept. F & G per dlem

Introduced in the House 1-9-, 1978

HISTORY IN THE HOUSE

1978	Read first time and referred to Committee on
Jan. 9	Resources and Finance
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

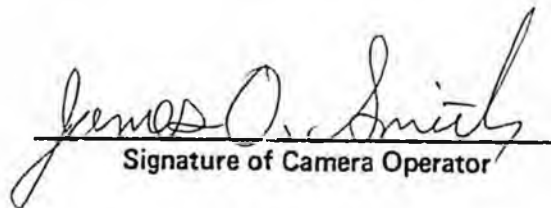
19	Received from Senate
	Concurred in Senate amendment thus adopting:
	Failed to concur in Senate amendment; asked Sen. to recede
	Senate receded from amendment
	Senate failed to recede from amendment
	FCC appointed by House
	FCC appointed by Senate
	FCC adopted
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

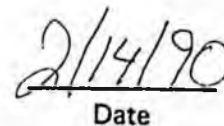


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Signature of Camera Operator


Date

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB573
 Title An Act relating to commercial fishing loans
 Requested by _____ Date 1-23-78

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development
 Program Category Affected Development
 Budget Request Unit(s) Affected Division of Business Loans

CSHB 573

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			39.2	41.1	43.2	45.4
200 TRAVEL			Ø	Ø	Ø	Ø
300 CONTRACTUAL			10.0	10.5	11.0	11.6
400 COMMODITIES			1.0	1.0	1.1	1.1
500 EQUIPMENT			4.0	Ø	Ø	Ø
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			54.2	52.6	55.3	58.1

FUNDING (Thousands of Dollars)

GENERAL FUND			54.2	52.6	55.3	58.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			2	2	2	2
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The addition of two Loan Closers, one in Juneau and one in Anchorage, would free the Loan Examiners from handling these chores and would allow them more time to work on applications.

IV. DATE 1-23-78 PREPARED BY Pete Jeans, Director
 AGENCY Business Loans
 PHONE 2510

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

PERSONAL SERVICES

Loan Closer I	Range 10	14,124	
Loan Closer II	Range 12	<u>16,068</u>	
		30,192	
FICA		1,825	
Health		1,972	
Benefits		<u>5,208</u>	
Total		39,193	39,193
Travel			0
Contractual - Revising Regulations and applications including printing			10,000
Commodities			1,000
Equipment			<u>4,000</u>
TOTAL			54.2

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 573

Title An Act amending the Commercial Fishing Loan Act

Requested by _____ Date 1-17-78

HB 573

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development

Program Category Affected Development

Budget Request Unit(s) Affected Division of Business Loans

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		NONE				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact.

IV. DATE 1-17-78

PREPARED BY _____

AGENCY _____

PHONE _____

[Signature]
Business Loans

465-2570

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Introduced: 2/24/77
Referred: Resources,
Commerce and Finance

1 IN THE SENATE

BY POLAND

2 SENATE BILL NO. 184 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the limitation on commercial fishing
7 loans; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.320 is amended to read:

10 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
11 may not exceed \$150,000 [\$100,000]. A loan may not run longer than 15
12 years or bear interest exceeding seven per cent, and it shall be secured
13 by a first lien and appropriate security agreements, except that a lien
14 in favor of the state is not required for loans guaranteed fully by the
15 federal government under the Federal Ship Financing Act of 1972 (46
16 U.S.C. secs. 1271 - 1279b; 86 Stat. 909), as amended [, AND LOANS GRANTED
17 UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER MAY BE SECURED BY OTHER ACCEPT-
18 ABLE COLLATERAL AS DETERMINED APPROPRIATE BY THE DEPARTMENT, INCLUDING
19 BUT NOT LIMITED TO A PLEDGE OF ASSESSMENTS FROM FISHERMEN TO FINANCE THE
20 ESTABLISHMENT OF HATCHERIES UNDER SECS. 400 - 470 OF THIS CHAPTER]. In
21 the case of a security agreement given to secure a loan made under secs.
22 300 - 370 of this chapter and covering a vessel documented under the
23 laws of the United States and so long as the Ship Mortgage Act of 1920
24 (46 U.S.C. secs. 911 - 984; 41 Stat. 1000), as amended, and the Shipping
25 Act of 1916 (46 U.S.C. secs. 801 - 842; 39 Stat. 728), as amended,
26 remain ambiguous with respect to whether or not a state or state agency
27 qualifies as a citizen of the United States for purposes of those Acts,
28 the first lien requirement of this section may be satisfied by the
29 recordation and endorsement of a first preferred ship mortgage under the

1 Ship Mortgage Act of 1920, and by perfection of a security interest
2 under the Uniform Commercial Code - Secured Transactions (AS 45.05.690 -
3 45.05.794), if the approval of the Secretary of Commerce is obtained
4 under 46 U.S.C. sec. 839 for the transfer to the department of the
5 interest in a vessel documented under the laws of the United States. In
6 the case of a security agreement given to secure a loan made under secs.
7 300 - 370 of this chapter and covering a vessel documented under the
8 laws of the United States, the first lien requirement of this section
9 may also be satisfied by use of a trust deed and bond issue under it, if
10 the trustee is a citizen of the United States and obtains a first pre-
11 ferred ship mortgage on the vessel under the Ship Mortgage Act of 1920,
12 and the approval of the Secretary of Commerce is obtained under 46
13 U.S.C. secs. 839 and 961 for the transfer of the bond or bonds to the
14 department if the trustee is not a trustee approved by the Secretary of
15 Commerce under 46 U.S.C. secs. 808, 835 and 961. [EXCEPT FOR LOANS
16 GRANTED UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER, LOANS] Loans may
17 not exceed 75 per cent of the appraised value of the collateral used
18 to secure the loan.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

Introduced: 2/24/77
Referred: Resources,
Commerce and Finance

1 IN THE SENATE

BY POLAND

2 SENATE BILL NO. 184

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the limitation on commercial fishing
7 loans; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.320 is amended to read:

10 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
11 may not exceed \$150,000 [\$100,000]. A loan may not run longer than 15
12 years or bear interest exceeding seven per cent, and it shall be secured
13 by a first lien and appropriate security agreements, except that a lien
14 in favor of the state is not required for loans guaranteed fully by the
15 federal government under the Federal Ship Financing Act of 1972 (46
16 U.S.C. secs. 1271 - 1279b; 86 Stat. 909), as amended, and loans granted
17 under sec. 310(a)(1)(B) of this chapter may be secured by other accept-
18 able collateral as determined appropriate by the department, including
19 but not limited to a pledge of assessments from fishermen to finance the
20 establishment of hatcheries under secs. 400 - 470 of this chapter. In
21 the case of a security agreement given to secure a loan made under secs.
22 300 - 370 of this chapter and covering a vessel documented under the
23 laws of the United States and so long as the Ship Mortgage Act of 1920
24 (46 U.S.C. secs. 911 - 984; 41 Stat. 1000), as amended, and the Shipping
25 Act of 1916 (46 U.S.C. secs. 801 - 842; 39 Stat. 728), as amended,
26 remain ambiguous with respect to whether or not a state or state agency
27 qualifies as a citizen of the United States for purposes of those Acts,
28 the first lien requirement of this section may be satisfied by the
29 recordation and endorsement of a first preferred ship mortgage under the

1 Ship Mortgage Act of 1920, and by perfection of a security interest
2 under the Uniform Commercial Code - Secured Transactions (AS 45.05.690 -
3 45.05.794), if the approval of the Secretary of Commerce is obtained
4 under 46 U.S.C. sec. 839 for the transfer to the department of the
5 interest in a vessel documented under the laws of the United States. In
6 the case of a security agreement given to secure a loan made under secs.
7 300 - 370 of this chapter and covering a vessel documented under the
8 laws of the United States, the first lien requirement of this section
9 may also be satisfied by use of a trust deed and bond issue under it, if
10 the trustee is a citizen of the United States and obtains a first pre-
11 ferred ship mortgage on the vessel under the Ship Mortgage Act of 1920,
12 and the approval of the Secretary of Commerce is obtained under 46
13 U.S.C. secs. 839 and 961 for the transfer of the bond or bonds to the
14 department if the trustee is not a trustee approved by the Secretary of
15 Commerce under 46 U.S.C. secs. 808, 835 and 961. Except for loans
16 granted under sec. 310(a)(1)(B) of this chapter, loans may not exceed
17 75 per cent of the appraised value of the collateral used to secure the
18 loan.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

Introduced: 1/9/78
Referred: Resources and
Finance

1 IN THE HOUSE

BY OSTERBACK AND SNIDER

2 HOUSE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Commercial Fishing Loan Act; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.310(a)(1) is amended by adding a new subparagraph
10 to read:

11 (C) corporations, partnerships, or joint ventures 51 per
12 cent of which are owned by individual commercial fishermen who have
13 been state residents for a continuous period of five years and have
14 had a commercial fishing license for three years for the purchase,
15 construction, repair or upgrading of fishing vessels or gear;

16 * Sec. 2. AS 16.10.320 is amended to read:

17 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
18 may not exceed \$150,000. A loan may not run longer than 15 years or
19 bear interest exceeding seven per cent, and, except as provided under
20 (b) of this section, it shall be secured by a first lien and appropriate
21 security agreements, except that a lien in favor of the state is not
22 required for loans guaranteed fully by the federal government under the
23 Federal Ship Financing Act of 1972 (46 U.S.C. secs. 1271-1279b; 86 Stat.
24 909), as amended. In the case of a security agreement given to secure a
25 loan made under secs. 300 - 370 of this chapter and covering a vessel
26 documented under the laws of the United States and so long as the Ship
27 Mortgage Act of 1920 (46 U.S.C. secs. 911-984; 41 Stat. 1000), as
28 amended, and the Shipping Act of 1916 (46 U.S.C. secs 801-842; 39 Stat.
29 728), as amended, remain ambiguous with respect to whether or not a

1 state or state agency qualifies as a citizen of the United States for
2 purposes of those Acts, the first lien requirement of this section may
3 be satisfied by the recordation and endorsement of a first preferred
4 ship mortgage under the Ship Mortgage Act of 1920, and by perfection of
5 a security interest under the Uniform Commercial Code - Secured Trans-
6 actions (AS 45.05.690 - 45.05.794), if the approval of the Secretary of
7 Commerce is obtained under 46 U.S.C. sec. 839 for the transfer to the
8 department of the interest in a vessel documented under the laws of the
9 United States. In the case of a security agreement given to secure a
10 loan made under secs. 300 - 370 of this chapter and covering a vessel
11 documented under the laws of the United States, the first lien require-
12 ment of this section may also be satisfied by use of a trust deed and
13 bond issue under it, if the trustee is a citizen of the United States
14 and obtains a first preferred ship mortgage on the vessel under the Ship
15 Mortgage Act of 1920, and the approval of the Secretary of Commerce is
16 obtained under 46 U.S.C. secs. 839 and 961 for the transfer of the bond
17 or bonds to the department if the trustee is not a trustee approved by
18 the Secretary of Commerce under 46 U.S.C. secs. 808, 835 and 961. Loans
19 granted under this subsection may not exceed 75 per cent of the ap-
20 praised value of the collateral used to secure the loan.

21 * Sec. 3. AS 16.10.320 is amended by adding a new subsection to read:

22 (b) A commercial fishing loan for the repair, restoration, or
23 upgrading of existing vessels and gear or for the purchase of gear and
24 the construction and purchase of fishing vessels may be secured by a
25 lien subordinate to a valid first lien and security agreement granted to
26 a private lending institution. A loan granted under this subsection

27 (1) shall be to an obligor approved by the commissioner as
28 responsible and possessing the ability, experience, financial resources,
29 and other qualifications necessary to the adequate operation and mainte-

1 nance of the fishing vessel;

2 (2) may not exceed \$150,000 or 15 per cent of the appraised
3 value of the fishing vessel, whichever amount is less, when a fishing
4 vessel is to be constructed or an existing fishing vessel is to be
5 purchased;

6 (3) may not exceed \$150,000 when a fishing vessel or gear is
7 to be repaired, restored, or upgraded;

8 (4) may not exceed a term of 15 years;

9 (5) may not bear interest exceeding seven per cent.

10 * Sec. 4. This Act takes effect July 1, 1978.

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Original sponsors: Osterback and Snider

Offered: 2/3/78
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Commercial Fishing Loan Act; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.310(a)(1)(A) is amended to read:

10 (A) individual commercial fishermen who have been state
11 residents for a continuous period of five years immediately pre-
12 ceding the date of application for a loan under secs. 300 - 370 of
13 this chapter and have had a crewmember or commercial fishing
14 license under AS 16.05.480 or a permit under ch. 43 of this title
15 for any three of the past five years, and who actively participated
16 in the fishery during that period, for the repair, restoration or
17 upgrading of existing vessels and gear, for the purchase of entry
18 permits and gear, and for the construction and purchase of vessels;
19 and

20 * Sec. 2. AS 16.10.310(a)(1) is amended by adding a new subparagraph to
21 read:

22 (C) corporations, partnerships, or joint ventures, 100
23 per cent of which are owned by individual commercial fishermen who
24 have been state residents for a continuous period of five years
25 immediately preceding the date of application for a loan under
26 secs. 300 - 370 of this chapter and have had a crewmember or com-
27 mercial fishing license under AS 16.05.480 or a permit under ch. 43
28 of this title for any three of the past five years, and who actively
29 participated in the fishery during that period, for the repair,

1 restoration or upgrading of existing vessels and gear, for the
2 purchase of gear, and for the construction and purchase of vessels.

3 * Sec. 3. AS 16.10.320 is amended to read:

4 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
5 may not exceed \$500,000 [\$150,000]. A loan may not run longer than 15
6 years or bear interest exceeding seven per cent, and it shall be secured
7 by a first lien and appropriate security agreements, except that a lien
8 in favor of the state is not required for loans guaranteed fully by the
9 federal government under the Federal Ship Financing Act of 1972 (46
10 U.S.C. secs. 1271-1279b; 86 Stat. 909), as amended. In the case of a
11 security agreement given to secure a loan made under secs. 300 - 370 of
12 this chapter and covering a vessel documented under the laws of the
13 United States and so long as the Ship Mortgage Act of 1920 (46 U.S.C.
14 secs. 911-984; 41 Stat. 1000), as amended, and the Shipping Act of 1916
15 (46 U.S.C. secs 801-842; 39 Stat. 728), as amended, remain ambiguous
16 with respect to whether or not a state or state agency qualifies as a
17 citizen of the United States for purposes of those Acts, the first lien
18 requirement of this section may be satisfied by the recordation and
19 endorsement of a first preferred ship mortgage under the Ship Mortgage
20 Act of 1920, and by perfection of a security interest under the Uniform
21 Commercial Code - Secured Transactions (AS 45.05.690 - 45.05.794), if
22 the approval of the Secretary of Commerce is obtained under 46 U.S.C.
23 sec. 839 for the transfer to the department of the interest in a vessel
24 documented under the laws of the United States. In the case of a secur-
25 ity agreement given to secure a loan made under secs. 300 - 370 of this
26 chapter and covering a vessel documented under the laws of the United
27 States, the first lien requirement of this section may also be satisfied
28 by use of a trust deed and bond issue under it, if the trustee is a
29 citizen of the United States and obtains a first preferred ship mortgage

1 on the vessel under the Ship Mortgage Act of 1920, and the approval of
2 the Secretary of Commerce is obtained under 46 U.S.C. secs. 839 and 961
3 for the transfer of the bond or bonds to the department if the trustee
4 is not a trustee approved by the Secretary of Commerce under 46 U.S.C.
5 secs. 808, 835 and 961. Loans may not exceed 75 per cent of the ap-
6 praised value of the collateral used to secure the loan.

7 * Sec. 4. AS 16.10.320 is amended by adding a new subsection to read:

8 (b) No more than one commercial fishing loan may be made to a
9 person for the purchase, construction, repair or upgrading of a fishing
10 vessel or its gear. A loan to an associate of the borrower is con-
11 sidered to be a loan to the borrower. For the purposes of this section,
12 "associate of the borrower" means

13 (1) a corporation or other organization of which the borrower
14 is an officer, director or partner, or is, directly or indirectly, the
15 beneficial owner of 10 per cent or more of any class of equity securi-
16 ties;

17 (2) a person who is, directly or indirectly, the beneficial
18 owner of 10 per cent or more of any class of equity securities of the
19 borrower;

20 (3) a trust or other estate in which the borrower has a sub-
21 stantial beneficial interest or as to which the borrower serves as
22 trustee or in a similar fiduciary capacity;

23 (4) a relative or spouse of the borrower or a relative of the
24 spouse, who has the same home as the borrower;

25 (5) a person directly or indirectly controlling, controlled
26 by, or under common control with, the borrower.

27 * Sec. 5. AS 16.10 is amended by adding new sections to read:

28 Sec. 16.10.333. LOANS FOR PURCHASE OF ALASKA LIMITED ENTRY PER-
29 MITS. (a) Loans under secs. 300 - 370 of this chapter may be made to

1 an individual commercial fisherman for the purchase of a limited entry
2 permit upon certification by the commission that the fisherman is a
3 person who qualifies as a transferee for the permit under ch. 43 of this
4 title and the regulations adopted by the commission.

5 (b) Upon approval by the commissioner, the permit to be purchased
6 may be pledged as security for a loan under (a) of this section, if

7 (1) the certificate for the pledged permit lists the commis-
8 sioner as the legal owner of the permit;

9 (2) the certificate for the pledged permit lists the debtor
10 as the equitable owner of the permit;

11 (3) all annual permit cards issued under the pledged permit
12 list the name of the debtor;

13 (4) all obligations and responsibilities of a permit owner
14 are assumed by the debtor;

15 (5) co-signers or other sureties for performance under the
16 note are not vested with any rights in the pledged permit and their
17 obligation is limited to satisfaction of the note and payment of costs
18 directly incurred by the department in administering the loan.

19 (c) The commissioner is not liable for any act or omission re-
20 sulting from permit ownership nor will that act or omission affect his
21 title to the permit or his rights under it.

22 (d) Upon satisfaction of the note by the debtor, the commissioner
23 shall certify to the commission that the note has been satisfied.

24 (e) Upon certification as provided in (d) of this section, the
25 commission shall amend the permit certificate to list the debtor as the
26 legal owner.

27 Sec. 16.10.335. DEFAULT AND FORECLOSURE. (a) If the debtor
28 defaults upon a note for which a limited entry permit has been pledged
29 as security under sec. 333 of this chapter, the commissioner shall

1 provide the debtor, by registered or certified mail sent to his last
2 known address on file with the commissioner, with a notice of default
3 which includes

4 (1) a description of the security given for the note includ-
5 ing the number assigned to the pledged permit by the commission;

6 (2) the date upon which the default occurred;

7 (3) the amount of arrearages as of the date of the notice,
8 the total amount remaining on the note less unearned interest, and the
9 amount of daily interest;

10 (4) a statement that the debtor may, within 15 days of the
11 postmark date of the notice, request a hearing at which he may submit
12 evidence showing he has not defaulted;

13 (5) a statement that the note may be reinstated if brought
14 current within 60 days from the postmark date of the notice;

15 (6) a statement that the note may be paid in full less un-
16 earned interest within 90 days from the postmark date of the notice;

17 (7) the place where reinstatement or payment in full may be
18 made; and

19 (8) a notice in at least 10-point bold type stating: "IM-
20 PORTANT: YOUR FAILURE TO REINSTATE OR PAY THIS NOTE IN FULL BY THE DATE
21 SPECIFIED WILL RESULT IN A FORFEITURE OF ALL RIGHTS TO THE PERMIT AND
22 THE POSSIBILITY OF LEGAL ACTION BEING INSTITUTED AGAINST YOU."

23 (b) Upon the debtor's failure to reinstate or satisfy the note
24 within the time specified in (a) of this section, his equitable interest
25 is terminated by operation of law without further notice. Any entry
26 permit cards issued to him under the permit shall be cancelled immedi-
27 ately upon receipt by the commission of a certificate of termination
28 containing a copy of the notice required by (a) of this section issued
29 by the commissioner.

1 Sec. 16.10.337. DEFICIENCIES AND TRANSFER OF ENTRY PERMITS AFTER
2 FORECLOSURE. (a) Upon a foreclosure on an entry permit as provided in
3 sec. 335 of this chapter, the commissioner shall offer the commission a
4 right of first refusal if the perm't is subject to a buy-back program
5 under AS 16.43.290 - 16.43.330 at a price equal to the amount outstand-
6 ing on the note plus any costs the department directly incurred in
7 administering the loan.

8 (b) If the commission does not exercise its right of first refusal
9 within 30 days after it receives the offer, or if the permit is not
10 subject to a buy-back program under AS 16.43.290 - 16.43.330, the de-
11 partment shall promptly notify the debtor of this fact. The debtor has
12 30 days from the postmark date of the notice to nominate a person quali-
13 fied to assume the note. The person nominated must qualify under the
14 requirements of sec. 333(a) of this chapter. If qualified, he may
15 assume all rights and liabilities of the original debtor.

16 (c) If the debtor is unable to nominate a qualified person to
17 assume the note under (b) of this section, the permit must be made
18 available to a qualified person, chosen as provided in this section, who
19 must assume the note subject to all rights and liabilities of the ori-
20 ginal debtor. The commission shall provide the commissioner with a list
21 of persons chosen by lottery who qualify as transferees of entry permits
22 under ch. 43 of this title and regulations adopted by the commission and
23 who have met the residency and commercial fishing participation require-
24 ments of sec. 310(a) of this chapter. The commissioner then shall
25 determine, in order of presentation, any remaining qualifications. The
26 commissioner shall allow the first applicant meeting all qualifications
27 to assume the note.

28 (d) Nothing in this section affects the right of the commissioner
29 to institute legal action for a deficiency resulting from a default on a

1 note given under sec. 333 of this chapter. In addition to any defi-
2 ciency, the debtor is liable for the costs of administering the note and
3 for costs and attorney fees.

4 Sec. 16.10.339. REGULATIONS. The commission, with the approval of
5 the department, shall adopt regulations to implement secs. 333 - 337 of
6 this chapter.

7 * Sec. 6. AS 16.10.360 is amended by adding new paragraphs to read:

8 (3) "commission" means the Commercial Fisheries Entry Commis-
9 sion;

10 (4) "debtor" means an individual commercial fisherman who
11 either initially contracts for a loan under secs. 333 - 337 of this
12 chapter or assumes a loan as provided in those sections.

13 * Sec. 7. AS 16.43.150(g) is amended to read:

14 (g) Except as provided in AS 16.10.333 - 16.10.337, an [AN] entry
15 permit may not be:

16 (1) pledged, mortgaged, leased, or encumbered in any way;

17 (2) transferred with any retained right of repossession or
18 foreclosure; or

19 (3) attached, distrained, or sold on execution of judgment or
20 under any other process or order of any court.

21 * Sec. 8. AS 16.43.170(a) is amended to read:

22 (a) Except as provided in AS 16.10.333 - 16.10.337, entry [ENTRY]
23 permits and interim-use permits are transferable only through the com-
24 mission as provided in this section and sec. 180 of this chapter and
25 under regulations adopted by the commission.

26 * Sec. 9. This Act takes effect July 1, 1978.



Official Business

Alaska State Legislature

House of Representatives


Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

April 20, 1978

Memo

To: Representative Steve Cooper
Chairman, House Finance Committee

From: Terry Gardiner 

Re: Proposed CS for HB 573

Contained in this packet are a proposed CS by the Finance Committee for HB 573 and a sectional analysis prepared by the Legislative Research Division. Basically, the purposes of the amendments I have suggested to HB 573 are to promote the financing of bottomfish vessels through the Fishermen's Loan Program that presently exists.

Because the proposed bill amends many sections of existing law, I thought a sectional analysis explaining the effect of the changes to existing law would be helpful to the committee members.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 18, 1978

SUBJECT: Draft CS for HB 573 (Finance); W.O. #24/R

TO: The Honorable Terry Gardiner

FROM: John Williams
Research Analyst

You have asked that we prepare a sectional analysis of the draft Finance Committee Substitute for HB 573. The following is a general description of the bill and a more detailed sectional analysis.

There are four major revisions and one minor revision of the commercial fishing loan program contained in the Committee Substitute. Section 1 provides for a minor revision--clarifying the present eligibility requirements for applicants. Section 2 expands the eligibility requirements for applicants. Section 3 raises the loan size to \$500,000 and provides for the state to assume a subordinate lien in some instances. Section 4 adds language that would allow applicants to receive a loan to purchase a limited entry permit.

SECTION 1

The section adds language to clarify the legislative intent with regard to eligible fishermen who may apply for commercial fishing loans. The language added specifies that eligible applicants must have been residents for five continuous years prior to making application for a loan, and must have been commercial fishermen for any three of those five years (and actively participated in a fishery).

SECTION 2

The present commercial fishing loan program is available only to individual commercial fishermen. Section 2 expands the eligibility

standards to include business ventures owned 100 percent by individual commercial fishermen. The allowable business arrangements are joint ventures, partnerships, and corporations.

Commercial fishing has become a major business activity for a large number of Alaskan fishermen, many of whom can no longer avoid taking advantage of the various business arrangements which allow them to limit liability, leverage capital, share risk, and take advantage of several other benefits offered by incorporation or other business arrangements. Present language would not allow a fisherman to receive a loan in the name of his fishing business or to apply with other fishermen for a loan to be utilized by a consortium. The provisions provided in section 2 should allow for a greater number of Alaskan fishermen to utilize the loan program.

SECTION 3

Paragraph (a) of section 3 (AS 16.10.320) provides for the limit on commercial fishing loans to be raised from \$150,000 (existing law) to \$500,000. The language also reorganizes the section so that loan terms are clearly presented. The paragraph contains no other changes in present law.

Paragraph (b) is contained in existing law.

Paragraph (c) is new language which sets out conditions whereby the state may accept a subordinate lien as loan security for the purchase of a new or existing vessel. The conditions are that (1) the borrower must have prior written agreement from a private lending institution to

accept a first lien on the vessel; (2) the size of the state loan may not exceed 35 percent of the vessel appraised value or \$1 million, whichever is less; (3) the term of the loan shall not exceed 15 years; and (4) the interest on the loan shall be between 7 and 8 percent at the discretion of the Department of Commerce and Economic Development.

Paragraph (d) prohibits more than one commercial fishing loan being made to an individual or associate of the individual, except as provided in paragraph (e).

Paragraph (e) allows for two or more eligible commercial fishermen to jointly obtain a loan, the size of which cannot exceed \$500,000 times the number of participating fishermen applying for the loan. The terms of the loan are identical to provisions in section 3, paragraph (a) of the bill.

SECTION 4

This section adds new language to AS 16.10 which allows the commercial fishing loan program to make loans to fishermen for the purpose of buying limited entry permits. Terms for loans shall be the same as provided in section 3, paragraph (a)¹. Paragraph (b) defines the procedure that would be utilized for entry permit loans; specifically that the commissioner of Commerce and Economic Development shall be the legal owner of the permit; the fishermen shall be listed as equity owner and debtor; and the debtor shall be issued the annual permit cards and shall bear full responsibility as permit owner. Paragraph (c) stipulates that

¹The term provisions are not specified in the draft CS. At page 5, line 6 of the work draft, delete "secs. 300-370" and insert "sec. 320(a)".

the commissioner is not liable for any act (or lack thereof) with respect to the permit. Once the debtor has satisfied his debt, the commissioner shall so notify the Commercial Fisheries Entry Commission (paragraph (d)) and shall amend the permit to list the debtor as legal owner (paragraph (e)).

Sec. 16.10.335 of section 4 specifies the actions to be taken by the commissioner if a debtor falls in arrears on an entry permit loan. The debtor shall be notified and given 60 days from the postmark of the notice to correct the situation. If he does not respond within the time allowed, any interest he may have in the permit may be terminated.

Sec. 16.10.337 specifies the means of disposing of permits which by default are the property of the state. The Commercial Fisheries Entry Commission is given first option to buy the permit (if the permit is for a fishery which has a buy-back program) for the amount outstanding on the loan (plus handling charges). If the commission does not exercise its option within 30 days, the person listed as debtor may name a qualified fisherman to whom he wishes to assign his former rights. If the nominated individual meets all necessary requirements to hold a limited entry permit, he may assume all rights and responsibilities of the original debtor. If the original debtor does not nominate a successor, the commissioner shall select at random, from a list provided by the Commercial Fisheries Entry Commission, a fisherman who may assume the loan.

Sec. 16.10.339 provides for the Entry Commission to adopt regulations to implement this portion of the bill.

Sec. 16.10.342 creates a foreclosure expense account from the "excess" interest earned on loans made with second mortgages (section 3,

Hon. Terry Gardiner

-5-

April 18, 1978

paragraph (c)). Money may be expended from the account when necessary to protect the state's interest in collateral on loans granted under this chapter or to defray expenses incurred during foreclosure proceedings after a default.

Sections 5 and 6 of the bill provide for technical amendments (definitions and amendments to chapter 43). Section 8 is the effective date clause. The bill would take effect on July 1, 1978.

Please let us know if we may be of further assistance.

JW:jm

Original sponsors: Osterback and Snider

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 573 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Commercial Fishing Loan Act; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.310(a)(1)(A) is amended to read:

10 (A) individual commercial fishermen who have been state
11 residents for a continuous period of five years immediately pre-
12 ceding the date of application for a loan under secs. 300 - 370 of
13 this chapter and have had a crewmember or commercial fishing li-
14 cense under AS 16.05.480 or a permit under ch. 43 of this title for
15 any three of the past five years, and who actively participated in
16 the fishery during that period, for the repair, restoration or
17 upgrading of existing vessels and gear, for the purchase of entry
18 permits and gear, and for the construction and purchase of vessels;
19 and

20 * Sec. 2. AS 16.10.310(a)(1) is amended by adding a new subparagraph to
21 read:

22 (C) corporations, partnerships, or joint ventures, 100
23 per cent of which are owned by individual commercial fishermen who
24 have been state residents for a continuous period of five years
25 immediately preceding the date of application for a loan under
26 secs. 300 - 370 of this chapter and have had a crewmember or com-
27 mercial fishing license under AS 16.05.480 or a permit under ch. 43
28 of this title for any three of the past five years, and who
29 actively participated in the fishery during that period, for the

1 repair, restoration or upgrading of existing vessels and gear, for
2 the purchase of gear, and for the construction and purchase of
3 vessels.

4 * Sec. 3. AS 16.10.320 is repealed and re-enacted to read:

5 Sec. 16.10.320. LIMITATIONS ON LOANS. (a) Except as provided in
6 (b), (c), (d), and (e) of this section, commercial fishing loans granted
7 under secs. 300 - 370 of this chapter

8 (1) may not exceed \$500,000;

9 (2) may not exceed a term of 15 years;

10 (3) may not bear interest exceeding seven per cent;

11 (4) shall be secured by a first priority lien and appropriate
12 security agreement; and

13 (5) may not exceed 75 per cent of the appraised value of the
14 collateral used to secure the loan.

15 (b) A lien in favor of the state is not required for loans guar-
16 anteed fully by the federal government under the Federal Ship Financing
17 Act of 1972 (46 U.S.C. secs. 1271-1279(b); 86 Stat. 909), as amended.
18 In the case of a security agreement given to secure a loan made under
19 secs. 300 - 370 of this chapter and covering a vessel documented under
20 the laws of the United States and so long as the Ship Mortgage Act of
21 1920 (46 U.S.C. secs. 911-984; 41 Stat. 1000), as amended, and the
22 Shipping Act of 1916 (46 U.S.C. secs. 801-842; 39 Stat. 728), as
23 amended, remain ambiguous with respect to whether or not a state or
24 state agency qualifies as a citizen of the United States for purposes of
25 those Acts, the first lien requirement of this section may be satisfied
26 by the recordation and endorsement of a first preferred ship mortgage
27 under the Ship Mortgage Act of 1920, and by perfection of a security
28 interest under the Uniform Commercial Code - Secured Transactions (AS
29 45.05.690 - 45.05.794), if the approval of the Secretary of Commerce is

1 obtained under 46 U.S.C. sec. 839 for the transfer to the department of
2 the interest in a vessel documented under the laws of the United States.
3 In the case of a security agreement given to secure a loan made under
4 secs. 300 - 370 of this chapter and covering a vessel documented under
5 the laws of the United States, the first lien requirement of this sec-
6 tion may also be satisfied by use of a trust deed and bond issue under
7 it, if the trustee is a citizen of the United States and obtains a first
8 preferred ship mortgage on the vessel under the Ship Mortgage Act of
9 1920, and the approval of the Secretary of Commerce is obtained under 46
10 U.S.C. secs. 839 and 961 for the transfer of the bond or bonds to the
11 department if the trustee is not a trustee approved by the Secretary of
12 Commerce under 46 U.S.C. secs. 808, 835 and 961.

13 (c) A commercial fishing loan for the construction of a new
14 fishing vessel or the purchase of an existing fishing vessel may be
15 secured by a second priority lien or mortgage which is subordinate to a
16 valid first priority lien or mortgage in favor of a private lending
17 institution. A loan granted under this subsection

18 (1) shall be to an obligor who has previously obtained a
19 commitment for a commercial fishing loan from a private lending insti-
20 tution;

21 (2) may not exceed \$1,000,000 or 35 per cent of the total
22 purchase price of the fishing vessel, whichever amount is less;

23 (3) may not exceed a term of 15 years;

24 (4) may not bear interest exceeding seven per cent, except
25 that loans granted under this subsection may bear interest at a rate not
26 to exceed eight per cent if the commissioner determines that an increase
27 in the interest rate is necessary for the security of the loan.

28 (d) Except as provided in (e) of this section, no more than one
29 commercial fishing loan may be made to a person for the purchase, con-

1 struction, repair or upgrading of a fishing vessel or its gear. A loan
2 to an associate of the borrower is considered to be a loan to the bor-
3 rower. For the purposes of this section, "associate of the borrower"
4 means

5 (1) a corporation or other organization of which the borrower
6 is an officer, director or partner, or is, directly or indirectly, the
7 beneficial owner of 10 per cent or more of any class of equity securi-
8 ties;

9 (2) a person who is, directly or indirectly, the beneficial
10 owner of 10 per cent or more of any class of equity securities of the
11 borrower;

12 (3) a trust or other estate in which the borrower has a sub-
13 stantial beneficial interest or as to which the borrower serves as
14 trustee or in a similar fiduciary capacity;

15 (4) a relative or spouse of the borrower or a relative of the
16 spouse, who has the same home as the borrower;

17 (5) a person directly or indirectly controlling, controlled
18 by, or under common control with, the borrower.

19 (e) Two or more individual commercial fishermen who each satisfy
20 the requirements specified in sec. 310(a)(1)(A) of this chapter may
21 jointly obtain a commercial fishing loan for the construction of a
22 fishing vessel or the purchase of an existing fishing vessel. Loans
23 granted under this subsection

24 (1) may not exceed the amount specified in (a)(1) of this
25 section multiplied by the number of qualified commercial fishermen
26 applying for the loan;

27 (2) may not exceed a term of 15 years;

28 (3) shall be secured by a first priority lien and appropriate
29 security agreement;

1 (4) may not bear interest exceeding seven per cent; and
2 (5) may not exceed 75 per cent of the appraised value of the
3 collateral used to secure the loan.

4 * Sec. 4. AS 16.10 is amended by adding new sections to read:

5 Sec. 16.10.333. LOANS FOR PURCHASE OF ALASKA LIMITED ENTRY PER-
6 MITS. (a) Loans under secs. 300 - 370 of this chapter may be made to
7 an individual commercial fisherman for the purchase of a limited entry
8 permit upon certification by the commission that the fisherman is a
9 person who qualifies as a transferee for the permit under ch. 43 of this
10 title and the regulations adopted by the commission.

11 (b) Upon approval by the commissioner, the permit to be purchased
12 may be pledged as security for a loan under (a) of this section, if

13 (1) the certificate for the pledged permit lists the commis-
14 sioner as the legal owner of the permit;

15 (2) the certificate for the pledged permit lists the debtor
16 as the equitable owner of the permit;

17 (3) all annual permit cards issued under the pledged permit
18 list the name of the debtor;

19 (4) all obligations and responsibilities of a permit owner
20 are assumed by the debtor;

21 (5) co-signers or other sureties for performance under the
22 note are not vested with any rights in the pledged permit and their
23 obligation is limited to satisfaction of the note and payment of costs
24 directly incurred by the department in administering the loan.

25 (c) The commissioner is not liable for any act or omission re-
26 sulting from permit ownership nor will that act or omission affect his
27 title to the permit or his rights under it.

28 (d) Upon satisfaction of the note by the debtor, the commissioner
29 shall certify to the commission that the note has been satisfied.

1 (e) Upon certification as provided in (d) of this section, the
2 commission shall amend the permit certificate to list the debtor as the
3 legal owner.

4 Sec. 16.10.335. DEFAULT AND FORECLOSURE. (a) If the debtor
5 defaults upon a note for which a limited entry permit has been pledged
6 as security under sec. 333 of this chapter, the commissioner shall
7 provide the debtor, by registered or certified mail sent to his last
8 known address on file with the commissioner, with a notice of default
9 which includes

10 (1) a description of the security given for the note includ-
11 ing the number assigned to the pledged permit by the commission;

12 (2) the date upon which the default occurred;

13 (3) the amount of arrearages as of the date of the notice,
14 the total amount remaining on the note less unearned interest, and the
15 amount of daily interest;

16 (4) a statement that the debtor may, within 15 days of the
17 postmark date of the notice, request a hearing at which he may submit
18 evidence showing he has not defaulted;

19 (5) a statement that the note may be reinstated if brought
20 current within 60 days from the postmark date of the notice;

21 (6) a statement that the note may be paid in full less un-
22 earned interest within 90 days from the postmark date of the notice;

23 (7) the place where reinstatement or payment in full may be
24 made; and

25 (8) a notice in at least 10-point bold type stating: "IM-
26 PORTANT: YOUR FAILURE TO REINSTATE OR PAY THIS NOTE IN FULL BY THE DATE
27 SPECIFIED WILL RESULT IN A FORFEITURE OF ALL RIGHTS TO THE PERMIT AND
28 THE POSSIBILITY OF LEGAL ACTION BEING INSTITUTED AGAINST YOU."

29 (b) Upon the debtor's failure to reinstate or satisfy the note

1 within the time specified in (a) of this section, his equitable interest
2 is terminated by operation of law without further notice. Any entry
3 permit cards issued to him under the permit shall be cancelled immedi-
4 ately upon receipt by the commission of a certificate of termination
5 containing a copy of the notice required by (a) of this section issued
6 by the commissioner.

7 Sec. 16.10.337. DEFICIENCIES AND TRANSFER OF ENTRY PERMITS AFTER
8 FORECLOSURE. (a) Upon a foreclosure on an entry permit as provided in
9 sec. 335 of this chapter, the commissioner shall offer the commission a
10 right of first refusal if the permit is subject to a buy-back program
11 under AS 16.43.290 - 16.43.330 at a price equal to the amount outstand-
12 ing on the note plus any costs the department directly incurred in
13 administering the loan.

14 (b) If the commission does not exercise its right of first refusal
15 within 30 days after it receives the offer, or if the permit is not
16 subject to a buy-back program under AS 16.43.290 - 16.43.330, the de-
17 partment shall promptly notify the debtor of this fact. The debtor has
18 30 days from the postmark date of the notice to nominate a person quali-
19 fied to assume the note. The person nominated must qualify under the
20 requirements of sec. 333(a) of this chapter. If qualified, he may
21 assume all rights and liabilities of the original debtor.

22 (c) If the debtor is unable to nominate a qualified person to
23 assume the note under (b) of this section, the permit must be made
24 available to a qualified person, chosen as provided in this section, who
25 must assume the note subject to all rights and liabilities of the ori-
26 ginal debtor. The commission shall provide the commissioner with a list
27 of persons chosen by lottery who qualify as transferees of entry permits
28 under ch. 43 of this title and regulations adopted by the commission and
29 who have met the residency and commercial fishing participation require-

1 ments of sec. 310(a) of this chapter. The commissioner then shall
2 determine, in order of presentation, any remaining qualifications. The
3 commissioner shall allow the first applicant meeting all qualifications
4 to assume the note.

5 (d) Nothing in this section affects the right of the commissioner
6 to institute legal action for a deficiency resulting from a default on a
7 note given under sec. 333 of this chapter. In addition to any defi-
8 ciency, the debtor is liable for the costs of administering the note and
9 for costs and attorney fees.

10 Sec. 16.10.339. REGULATIONS. The commission, with the approval of
11 the department, shall adopt regulations to implement secs. 333 - 337 of
12 this chapter.

13 Sec. 16.10.342. SPECIAL ACCOUNT ESTABLISHED. (a) There is estab-
14 lished as a special account within the commercial fishing revolving loan
15 fund the foreclosure expense account.

16 (b) The commissioner may credit the foreclosure expense account
17 with money earned as a result of an increased interest rate on a com-
18 mercial fishing loan granted under sec. 320(c) of this chapter.

19 (c) The commissioner may expend money credited to the foreclosure
20 expense account when necessary to protect the state's security interest
21 in collateral on loans granted under secs. 300 - 370 of this chapter or
22 to defray expenses incurred during foreclosure proceedings after a
23 default by an obligor.

24 * Sec. 5. AS 16.10.360 is amended by adding new paragraphs to read:

25 (3) "commission" means the Commercial Fisheries Entry Commis-
26 sion;

27 (4) "debtor" means an individual commercial fisherman who
28 either initially contracts for a loan under secs. 333 - 337 of this
29 chapter or assumes a loan as provided in those sections.

1 * Sec. 6. AS 16.43.150(g) is amended to read:

2 (g) Except as provided in AS 16.10.333 - 16.10.337, an [AN] entry
3 permit may not be:

4 (1) pledged, mortgaged, leased, or encumbered in any way;

5 (2) transferred with any retained right of repossession or
6 foreclosure; or

7 (3) attached, distrained, or sold on execution of judgment or
8 under any other process or order of any court.

9 * Sec. 7. AS 16.43.170(a) is amended to read:

10 (a) Except as provided in AS 16.10.333 - 16.10.337, entry [ENTRY]
11 permits and interim-use permits are transferable only through the com-
12 mission as provided in this section and sec. 180 of this chapter and
13 under regulations adopted by the commission.

14 * Sec. 8. This Act takes effect July 1, 1978.
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COMMITTEE REPORT

HOUSE

FURTHER: _____

2/3/78

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 573

"An Act amending the Commercial Fishing Loan Act; effective date."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____

and _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

COMMITTEE REPORT

HOUSE

FURTHER: Finance

Date: 2/2/78

Mr. Speaker:

The Committee on Resources has had HB 573

"An Act amending the Commercial Fishing Loan Act; effective date."

under consideration and (a majority of the committee) (~~the committee reports it back as follows~~)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with CS for HB 573

and HB 573 () new title (X) same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

Mark H. Snider DO PASS
J. Johnson " "
A. H. " "
Wm. Akers DO PASS
Mr. Hill " "
Alvin Peterback DO PASS

OTHER RECOMMENDATIONS:

H. Malone - No REC.
Don Bennett No REC
Dolly Smith No REC

Alvin Peterback
Chairman

Original sponsor: Poland

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 184 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act amending the Commercial Fishing Loan Act; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.310(a)(1)(A) is amended to read:

10 (A) individual commercial fishermen who have been state
11 residents for a continuous period of five years immediately pre-
12 ceding the date of application for a loan under secs. 300 - 370 of
13 this chapter and have had a crewmember or commercial fishing li-
14 cense under AS 16.05.480 or a permit under ch. 43 of this title for
15 any three of the past five years, and who actively participated in
16 the fishery during that period, for the repair, restoration or
17 upgrading of existing vessels and gear, for the purchase of entry
18 permits and gear, and for the construction and purchase of vessels;
19 and

20 * Sec. 2. AS 16.10.310(a)(1) is amended by adding a new subparagraph to
21 read:

22 (C) corporations, partnerships, or joint ventures, 100
23 per cent of which are owned by individual commercial fishermen who
24 have been state residents for a continuous period of five years
25 immediately preceding the date of application for a loan under
26 secs. 300 - 370 of this chapter and have had a crewmember or com-
27 mercial fishing license under AS 16.05.480 or a permit under ch. 43
28 of this title for any three of the past five years, and who
29 actively participated in the fishery during that period, for the

1 repair, restoration or upgrading of existing vessels and gear, for
2 the purchase of gear, and for the construction and purchase of
3 vessels.

4 * Sec. 3. AS 16.10.320 is repealed and re-enacted to read:

5 Sec. 16.10.320. LIMITATIONS ON LOANS. (a) Except as provided in
6 (b), (c), (d), and (e) of this section, commercial fishing loans granted
7 under secs. 300 - 370 of this chapter

8 (1) may not exceed \$500,000;

9 (2) may not exceed a term of 15 years;

10 (3) may not bear interest exceeding seven per cent;

11 (4) shall be secured by a first priority lien and appropriate
12 security agreement; and

13 (5) may not exceed 75 per cent of the appraised value of the
14 collateral used to secure the loan.

15 (b) A lien in favor of the state is not required for loans guar-
16 anteed fully by the federal government under the Federal Ship Financing
17 Act of 1972 (46 U.S.C. secs. 1271-1279(b); 86 Stat. 909), as amended.
18 In the case of a security agreement given to secure a loan made under
19 secs. 300 - 370 of this chapter and covering a vessel documented under
20 the laws of the United States and so long as the Ship Mortgage Act of
21 1920 (46 U.S.C. secs. 911-984; 41 Stat. 1000), as amended, and the
22 Shipping Act of 1916 (46 U.S.C. secs. 801-842; 39 Stat. 728), as
23 amended, remain ambiguous with respect to whether or not a state or
24 state agency qualifies as a citizen of the United States for purposes of
25 those Acts, the first lien requirement of this section may be satisfied
26 by the recordation and endorsement of a first preferred ship mortgage
27 under the Ship Mortgage Act of 1920, and by perfection of a security
28 interest under the Uniform Commercial Code - Secured Transactions (AS
29 45.05.690 - 45.05.794), if the approval of the Secretary of Commerce is